



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB3501

Introduced 2/17/2023, by Rep. Dagmara Avelar

#### SYNOPSIS AS INTRODUCED:

820 ILCS 305/8.1c new

Amends the Workers' Compensation Act. Provides that an employee who has been employed for at least 4 weeks by an employer and becomes physically or mentally incapacitated to perform the duties of his or her position shall receive a temporary disability benefit, provided that proper proof is received from one or more licensed health care professionals designated by the Illinois Workers' Compensation Commission certifying that the employee is mentally or physically incapacitated. Provides that the temporary disability benefit shall be 50% of the employee's final average compensation at the date of disability. Provides that the Commission shall adopt rules governing the filing of claims for temporary disability benefits, and the investigation, control, and supervision of those claims.

LRB103 30490 SPS 56923 b

1 AN ACT concerning employment.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Workers' Compensation Act is amended by  
5 adding Section 8.1c as follows:

6 (820 ILCS 305/8.1c new)

7 Sec. 8.1c. Temporary disability benefits.

8 (a) An employee who has been employed for at least 4 weeks  
9 by an employer and becomes physically or mentally  
10 incapacitated to perform the duties of his or her position  
11 shall receive a temporary disability benefit, provided that  
12 proper proof is received from one or more licensed health care  
13 professionals designated by the Commission certifying that the  
14 employee is mentally or physically incapacitated.

15 (b) The temporary disability benefit shall begin to accrue  
16 on the 31st day of absence from work on account of disability,  
17 but the benefit shall not become actually payable to the  
18 employee until the expiration of 31 days from the day upon  
19 which the employee last received or had a right to receive any  
20 compensation and shall continue to accrue until the first of  
21 the following events occurs:

22 (1) the disability ceases;

23 (2) the employee engages in gainful employment; or

1           (3) the employee receives 26 weeks of disability  
2           benefits during any 52 consecutive week period.

3           (c) The temporary disability benefit shall be 50% of the  
4           employee's final average compensation at the date of  
5           disability.

6           (d) The temporary disability benefit provided under this  
7           Section is intended as a temporary payment of occupational or  
8           nonoccupational disability benefit, whichever is appropriate,  
9           in cases in which the occupational or nonoccupational  
10          character of the disability has not been determined.

11          (e) The Commission shall adopt rules governing the filing  
12          of claims for temporary disability benefits, and the  
13          investigation, control, and supervision of those claims.